

# COURT MINUTES OF SENTENCING HEARING

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UNITED STATES of AMERICA,

v.

CASE NO. 19-CR-115-JPS

ROBERT GORDON.

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## HON. J. P. STADTMUELLER PRESIDING

DATE: January 22, 2020

TIME SCHEDULED: 8:30 a.m.

COURT DEPUTY/CLERK: Nathan Bader

TIME CALLED: 8:30 a.m.

COURT REPORTER: Tom Malkiewicz

TIME FINISHED: 9:26 a.m.

GOVERNMENT BY: Benjamin Proctor

DEFENDANT BY: Patrick Brennan

PROBATION BY: Maria Mahmoudi

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### Notes:

- 8:30 Appearances; Court puts background of case on record, including Defendant's having pled guilty to Counts One and Five of the Indictment; Court notes it has reviewed presentence report
- 8:33 Parties have reviewed presentence report and have no objections to the facts as stated therein; Court therefore adopts the facts as stated in the presentence report
- 8:34 Court notes applicable Guidelines:
- Total Offense Level: 23
  - Criminal History Category: I
  - 46 to 57 months' imprisonment
  - 1 to 3 years' supervised release
  - \$20,000.00 to \$200,000.00 fine
  - \$250,000.00 restitution
  - \$200.00 special assessment
- 8:37 Parties accept these guidelines; Court will adopt for purposes of considering Defendant's sentence
- 8:38 Defendant's attorney makes a statement on Defendant's behalf; requests sentence of one year and one day
- 8:50 Defendant makes a statement on his own behalf
- 8:54 Government makes a statement; requests sentence at the low end of the guideline range

- 9:00 Court discusses statements of the parties, facts of the case, and facts as presented in presentence report
- 9:17 Court notes that it previously circulated proposed conditions of supervised release; parties have reviewed them and have no objections thereto
- 9:17 Court imposes the following formal sentence:
- 32 months of imprisonment as to Counts One and Five, to operate concurrently for a total term of 32 months
  - 3 years of supervised release as to Counts One and Five, to operate concurrently for a total term of 3 years
  - Fine is waived
  - \$200.00 special assessment
  - \$250,000.00 restitution
  - \$100,000 stipulated forfeiture
  - Counts Two through Four and Six through Fourteen are dismissed
  - Recommends incarceration at facility most near to the Eastern District of Wisconsin and evaluation for inclusion in substance abuse program
  - Defendant remains on bond and will voluntarily surrender on or after Friday, February 14, 2020
- 9:24 Court advises Defendant of his right of appeal
- 9:26 Defendant has nothing further; government notes that Defendant should not possess any firearms
- 9:26 Court stands in recess

## FORMAL SENTENCE

### Custody of Bureau of Prisons

32 months as to Counts One and Five, to operate concurrently for a total term of 32 months

### Supervised Release

3 years as to Counts One and Five, to operate concurrently for a total term of 3 years

### Fine

Terms: None

- ☒ Fine waived due to Defendant's inability to pay
- ☐ Interest on fine is waived
- ☐ Defendant to participate in FBP Inmates' Financial Responsibility Program
- ☐ Payments to apply to special assessment, then fine or restitution (if applicable)
- ☐ Court imposes costs of incarceration, community confinement, and supervision

### Restitution

Terms: \$250,000.00

Payee(s): Kohl's Corporate – Loss Prevention

Special Terms of Payment: None

### Conditions of Supervised Release

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Report in 72 hours                          | <input checked="" type="checkbox"/> Follow probation officer instructions                                   |
| <input checked="" type="checkbox"/> No other crimes                             | <input checked="" type="checkbox"/> Permit probation visits and confiscation                                |
| <input checked="" type="checkbox"/> No firearms or other dangerous weapons      | <input checked="" type="checkbox"/> No association with criminals   |
| <input checked="" type="checkbox"/> No illegally possess controlled substances  | <input checked="" type="checkbox"/> Shall not knowingly leave district                                      |
| <input checked="" type="checkbox"/> Drug and alcohol testing                    | <input checked="" type="checkbox"/> No informer agreement without approval                                  |
| <input checked="" type="checkbox"/> Reside at approved residence                | <input checked="" type="checkbox"/> No new credit charges   |
| <input checked="" type="checkbox"/> Best efforts to secure full-time employment | <input checked="" type="checkbox"/> No transfer over \$500 without approval                                 |
| <input checked="" type="checkbox"/> Notify if change of residence / employment  | <input checked="" type="checkbox"/> Financial disclosures   |
| <input checked="" type="checkbox"/> Notify probation of arrest                  | <input checked="" type="checkbox"/> Restitution: \$100/month, apply 100% of refund, no change in exemptions |
| <input checked="" type="checkbox"/> Mental health treatment program             | <input checked="" type="checkbox"/> Provide computer logins to probation                                    |

### Special Assessment

Terms: \$200.00

- ☒ To be paid immediately to the Clerk of the Court, Room 362
- ☐ To be paid prior to the expiration of this sentence
- ☐ Other:

### Forfeiture

Terms: See (Docket #39)

Custody Status

- ☐ Defendant remanded to custody of U.S. Marshal
- ☐ Execution of sentence stayed until \_\_\_\_
- ☒ Defendant shall voluntarily surrender to institution on or after Friday, February 14, 2020
- ☒ Defendant's bond continued until he/she reports
- ☒ Defendant advised of right of appeal
- ☒ Recommendations for BOP: Placement at a federal correctional facility most near to the Eastern District of Wisconsin, inclusion in substance abuse program

Other

- ☒ Upon motion of the government, Counts Two through Four and Six through Fourteen be and the same are hereby DISMISSED
- ☐ Court orders that drug testing requirements be and the same are hereby WAIVED

STATEMENT OF REASONS

- ☒ The Court adopts the factual findings and Guideline application in the presentence report  
or
- ☐ The Court adopts the factual findings and Guideline application in the presentence report except as noted at sentencing

Guideline Range Determined by the Court:

Total Offense Level:	23
Criminal History Category:	I
Imprisonment Range:	46–57 months' imprisonment
Supervised Release Range:	1–3 years' supervised release
Fine Range:	\$20,000.00–\$200,000.00
Restitution:	\$250,000.00
Special Assessment:	\$200.00

- ☒ Fine is waived or is below the Guideline range because of Defendant's inability to pay
- ☐ Full restitution is not ordered for the following reasons:

- ☐ The sentence is within the Guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by application of the Guidelines  
or
- ☐ The sentence is within the Guideline range, that range exceeds 24 months, and the sentence is imposed for the following reasons:  
or

☒ The sentence departs from the Guideline range for the reasons set forth at sentencing